

Appl. No. 10/796,633
Examiner: DEANE JR. WILLIAM J, Art Unit 2614
In response to the Office Action dated August 10, 2006

Date: November 9, 2006
Attorney Docket No. 10113911

Allowable Subject Matter

Applicant thanks the Examiner for his indication that claims 3-4 and 8-10 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Double Patenting Rejections

Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17-31 of co-pending application Serial no. 11/282,578.

In the rejection, the Examiner states that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-15 of the instant application are almost identical to claims 17-31 of co-pending Application No. 2006/0075603." See pages 2-3 of the office action dated August 10, 2006.

Applicant respectfully notes that in the restriction requirement mailed on October 19, 2005, the Examiner stated just the opposite, namely "[t]his application contains claims directed to the following **patentably distinct species** of the claimed invention" and required that Applicant elect a single disclosed species I (claims 1-16) or species II (claims 17-31) under 35 U.S.C. 121 "to which the application shall be restricted if no generic claim is finally held to be allowable." [Emphasis added]. See page 2 of the restriction requirement.

Applicant notes that neither this application nor co-pending application Serial no. 11/282,578 contains a generic claim. Applicant further notes that under 35 U.S.C. 121, a divisional application filed in response to a restriction requirement cannot be rejected for double-patenting over the original application, or vice-versa, if the divisional application is filed before the issuance of the patent on the original application.

Applicant therefore respectfully requests the withdrawal of the double patenting rejections of claims 1-16.

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Rejections Under 35 U.S.C. 102(e)

Claims 1-2, 6-7, 11-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Li. Applicant respectfully traverses the rejections for the reasons as follow.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Claim 1 discloses that an electronic device comprises a base, an elastic member, a first cam, a second cam and a third cam. The elastic member is disposed on the base. The first cam is disposed on the base in a manner such that the first cam is abutted by the elastic member. The first cam rotates in a first direction and a second direction opposite to the first direction. The second cam is disposed on the base in a manner such that the second cam is abutted by the first cam. The second cam rotates along with the first cam when the first cam rotates in the first direction. The third cam is disposed on the base in a manner such that the third cam is abutted by the second cam. The second cam is blocked by the third cam and is not rotated along with the first cam when the first cam rotates in the second direction.

In the rejections, the Examiner identifies upper and lower leafs 1, 2 of Li as the alleged "base" of claim 1, one of driven ratchet wheels 32 of Li as the alleged "first cam" of claim 1, driving ratchet wheel 11 as the alleged "second cam" of claim 1, and another of driven ratchet wheels 32 as the alleged "third cam" of claim 1.

With reference column 3, lines 59-67, column 4, lines 1-10 and Figs. 6-10 of Li, however, it is noted that upper leaf 1 is connected to driving ratchet wheel 11. When the upper leaf 1 rotates in the first direction, the driving ratchet wheel 11 drives the alleged "first cam" (one of driven ratchet wheels 32) and the "third cam" (another one of driven ratchet wheels 32) to rotate. When the driving ratchet wheel 11 rotates over a predetermined angle (e.g., 120 degrees), the alleged "first cam" and "third cam" are pushed outwards simultaneously.

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Thus, when compared with that recited in claim 1, the arrangement and interrelationship of the alleged "first cam" 32, "second cam" 11 and "third cam" 32 in Li is completely different. Namely, claim 1 recites that the second cam rotates along with the first cam when the first cam rotates in the first direction and the second cam is blocked by the third cam and is not rotated along with the first cam when the first cam rotates in the second direction. To the contrary, Li teaches that the alleged "second cam" 11 is driven to rotate by the alleged "base" 1, and the alleged "first cam" and "third cam" 32 are driven to rotate by the alleged "second cam" 11 and pushed outwards simultaneously when the alleged "second cam" 11 rotates through a predetermined angle.

For at least the reasons described above, it is Applicant's belief that Li fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 2-16 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Higano. As noted above, it is Applicant's belief that claims 14 and 16 are allowable by virtue of their dependency from claim 1. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Foreign Priority Claim

Acknowledgment of Applicant's claim to foreign priority under 35 USC 119(a)-(d) or (f) and receipt of the certified copies of the priority document(s) is respectfully requested.

Conclusion

For the reasons described above, the Applicant believes that the application is now in condition for allowance and respectfully requests so.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nelson A. Quintero", is written above a solid horizontal line.

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